REMARKS

[0001] Claims 22-28 are all the claims presently pending in this application. Claim 22 and 26 have been amended to more particularly define the claimed invention.

[0002] Applicant respectfully submits that entry of the currently amended claims is proper because the currently amended claims will either place the application in condition for allowance or in better form for appeal. Applicant further respectfully submits that no new matter is added to the currently amended claims, nor has the scope of the pending claims changed. Accordingly, no new issues are raised that necessitate a further search of art. Applicant respectfully traverses the rejections based on the following discussion.

I. THE PRIOR ART REJECTION

The 35 U.S.C. § 103(a) Rejection over Koch further in view of Bhandari

[0003] Claims 22-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Koch, U.S. Pat. App. Pub. No. 2007/0032222, (hereinafter "Koch), further in view of Bhandari et al., U.S. Pat. App. Pub. No. 2005/0141500, (hereinafter "Bhandari").

[0004] The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Koch with the teaching from Bhandari to form the invention of claims 22-28. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

[0005] Applicant's traverse the Examiner's rejection since, among other reasons, Koch merely discloses a VXML gateway playing a prerecorded or synthesized prompt to caller using the services of voice transport network, and Bhandari merely discloses transmitting a data

message from the subscriber to an intelligent peripheral indicating a subscriber's desire to review service data, and converting the data message into a protocol compatible with an integrated service control point, while Applicant's claimed invention claims *forwarding a request for voice instructions from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter*.

[0006] The Examiner alleges that Koch discloses "a method of providing a voice dialogue in a telephone network, said method comprising: directing a telephone call to a switch ([0110]); requesting, by said switch, routing instructions from a control point ([0110]); routing said telephone call to a Voice Extensible Markup Language (CCXM/Voice XML) browser according to said routing instructions ([0111]); executing said voice instructions from said converter to said Voice XML browser ([0114])." However, it is unclear to what the reference/paragraph numbers [0110/0111/0114] refer to, since there are no correlating paragraph numbers in Koch to these numbers, and any reference numbers in Koch are inconsistent with the Examiner's rejection.

[0007] Koch discloses its exemplary features at paragraphs [0043-0044]:

> [0043]…A caller 302 or 322 desires to call a user 304 who is subscribed to personal IVR service. The call is routed to the directory number for user 304 using a voice transport network 306, which triggers a central office or switch 308 serving user 304. Central office 308 queries an SCP 310 serving user 304 for processing instructions with respect to the call. SCP 310 determines that user 304 is subscribed to personal IVR service. SCP 310 accesses an application server 314 and a customer profiles database 316, which includes call handling rules and text previously entered by user 304 through a web-based interface or other means, via a secure intranet 318.
>
> [0044] The text or prerecorded announcement that is to be played for caller 302 is sent back to SCP 310 along with instructions to route the call to a VXML gateway 312. With the assistance of a voice server 320 accessed via secure intranet 318, VXML gateway 312 plays a prerecorded or synthesized prompt to caller 302 using the services of voice transport network 306. (Emphasis added.)

[0008] The Examiner concedes that Koch fails to teach or suggest Applicant's claimed:

forwarding a request for voice instructions from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter;

forwarding said request for voice instructions from said converter to said control point; and

returning voice instructions from said control point to said converter.

[0009] The Examiner alleges that Bhandari discloses "an intelligent peripheral which includes in interactive voice response (IVR) system ([0040]) which contains an internal translator for the purpose of converting messages received from a Web server into call control protocol and accessing the relevant call service data from control point (ISCP, [0040]) ([0065][0066][0067][0084])."

[0010] However, nowhere in Bhandari is there any disclosure of Applicant's claimed, "*forwarding a request for voice instructions from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter*."

[0011] Bhandari discloses at paragraph [0065] that a data message is converted into a protocol compatible with an integrated service control point.

> The method includes transmitting a data message from the subscriber to an intelligent peripheral through at least one data network, the data message indicating a subscriber's desire to review the service data, and converting the data message into a protocol compatible with an integrated service control point. The converted data message is identical to a data message that the intelligent peripheral would create if the subscriber had indicated the desire to review the service data via an interactive voice response system. The protocol may be the SR-3S11 protocol. Then, the converted data message is transmitted to and the service data is retrieved from the integrated service control point. The service data is forwarded to the subscriber through the intelligent peripheral. (Emphasis added.)

[0012] However, nowhere in Bhandari is there any disclosure, (and nowhere does the Examiner address), of *a request for voice instructions* forwarded *from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter*.

[0013] Consequently, nowhere in Bhandari is there any disclosure, (and nowhere does the Examiner address), Applicant's claimed "*converting said request for voice instructions to said call control protocol using said converter*," "*converting said voice instructions from said call control protocol to said CCXML/Voice XML*," "*returning voice instructions from said converter to said CCXML/Voice XML browser*," and "*running an application on a CCXML application server connected to said CCXML/Voice XML browser*."

[0014] Additionally, Applicant respectfully submits that Koch would not have been combined with Bhandari as alleged by the Examiner because these references are non-analogous because they are completely unrelated. Koch is directed to a VXML gateway playing a prerecorded or synthesized prompt to caller using the services of voice transport network. Bhandari is directed to transmitting a data message from the subscriber to an intelligent peripheral indicating a subscriber's desire to review service data, and converting the data message into a protocol compatible with an integrated service control point and problems completely different from those to which the present invention and/or Koch are directed. No person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

[0015] In fact, Applicant submits that the Examiner can point to no proper motivation or suggestion in the references or of one of ordinary skill in the art to urge the combination as alleged by the Examiner. The Examiner's statement of motivation to combine the references, "a

converter internal to the intelligent peripheral, the CCXML/Voice XML browser for the purpose of converting voice instructions received from web server to a call control protocol and forwarding the converted request to the call control point and converting said voice instructions from said call control protocol to said web based protocol, i.e. CCXML/Voice XML and returning the voice instructions back to the intelligent peripheral," wrongly alleges the Bhandari discloses converting "voice instructions," when Bhandari merely discloses converting data, and wrongly alleges that a CCXML/Voice XML browser is in communication with a call control protocol to CCXML/Voice XML converter – which neither Koch nor Bhandari disclose this combination of elements that are essential to Applicant's claimed invention. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner.

[0016] The feature of forwarding a request for voice instructions from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter and converting said voice instructions from said call control protocol to said CCXML/Voice XML and returning voice instructions from said converter to said CCXML/Voice XML browser of Applicant's claimed invention is important because it enables network architects who does not have access to the (sometimes privately held) proprietary call control protocol can still create an intelligent peripheral with the invention. This occurs because the proprietary call control protocol to CCXML/Voice XML converter provides a conventional CCXML/Voice XML interface and operates in the well known and publicly available CCXML/Voice XML protocol. Thus, the invention allows substantially more individuals and companies to create intelligent peripherals for use with advanced intelligent networks than was previously possible. This, in turn, increases the diversity of intelligent peripherals that are provided and decreases the cost of the intelligent

peripherals. (See Applicant's Specification at paragraph [0025].)

[0017] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Koch and Bhandari (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

II. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 22-28, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0469.

Respectfully Submitted,

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